



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE WORLD TRADE CENTER
DISASTER SITE LITIGATION

IN RE WORLD TRADE CENTER LOWER
MANHATTAN DISASTER SITE
LITIGATION

BRIAN AUSTIN, *et al.*,

Plaintiffs,

-against-

THE CITY OF NEW YORK, *et al.*,

Defendants.

**STIPULATED ORDER OF DISMISSAL
WITH PREJUDICE PURSUANT TO
FINAL SETTLEMENT AGREEMENT**

21 MC 100 (AKH)
21 MC 102 (AKH)

THIS STIPULATED ORDER PERTAINS TO
ALL PLAINTIFFS AND DOCKET
NUMBERS SET FORTH ON EXHIBIT A

IT IS HEREBY STIPULATED AND AGREED by and between certain Plaintiffs represented by Douglas & London, P.C., identified on Exhibit A hereto ("Plaintiffs"), and the Defendants identified on Exhibit B ("Settling Defendants") that:

1. Plaintiffs and Settling Defendants have entered into a settlement agreement resolving all claims by Plaintiffs against Settling Defendants in the above-captioned action.
2. Plaintiffs have executed releases and covenants not to sue in which Plaintiffs have released the Settling Defendants and each of them from any and all obligations and liability to Plaintiffs for past, present, and future injuries arising out of or relating in any way to World Trade Center-related rescue, recovery and/or debris-removal operations and/or clean-up at any location on and/or after September 11, 2001. Accordingly, Plaintiffs' claims against the Settling Defendants and each of them shall be dismissed, and hereby are dismissed, with prejudice;

3. The Primary Plaintiffs identified on Exhibit A also have executed before a notary public documents evidencing their understanding that they are foreclosed from suing the Settling Defendants or any of them in the future for currently unknown, future injuries arising out of or relating in any way to World Trade Center-related rescue, recovery and/or debris-removal operations and/or clean-up at any location on and/or after September 11, 2001, regardless of whether such currently unknown, future injuries arise out of or relate in any way to the injury(ies) each Primary Plaintiff has pleaded in this action. Such understanding shall be, and hereby is, judicially noticed.

DOUGLAS & LONDON, P.C.

By: 

Michael A. London, Esq.
Attorneys for Plaintiffs
111 John Street, Suite 1400
New York, NY 10038

PATTON BOGGS LLP

By: 

James E. Tyrrell, Jr., Esq.
Attorneys for all Defendants
The Legal Center
One Riverfront Plaza, Suite 600
Newark, NJ 07102

Dated: February 25, 2011

Dated: February 8, 2011

SO ORDERED, this 25 day of Feb., 2011,


ALVIN K. HELLERSTEIN
United States District Judge

Exhibit A – List of Plaintiffs

No.	Primary Plaintiff		Derivative Plaintiff		Civil Action Nos.	Master Docket
	Last Name	First Name	Last Name	First Name		
1	Austin	Brian	Austin	Lea	10cv02768	MC100
2	Baez	Carmelo	Baez	Blanca	10cv02739	MC100
3	Baldwin	Craig	Baldwin	Coleen	10cv02435	MC100
4	Caraballo	Maryland			10cv02447	MC100
5	Caracciolo	James			10cv02449	MC100
6	Claudio	Enrique			10cv02760	MC100
7	Concannon	Catherine			10cv02744	MC100
8	Cotrone	Don	Cotrone	Louise	10cv02746	MC100
9	Cotroneo	Joseph			08cv01991	MC100
10	Del Rio	Joey			10cv02732	MC100
11	DePass	John	DePass	Deloris	10cv02451	MC100
12	Edwards	Bruce	Edwards	Sharon	07cv09804	MC100
13	Esbin	Lance	Esbin	Serpil	08cv02996	MC100
14	Fernandez	John	Fernandez	Denise	10cv02755	MC100
15	Fitzsimmons	Robert			10cv02450	MC100
16	Fleming	Timmy	Fleming	Jennifer	08cv02506	MC100
17	Frank	John			10cv02747	MC100
18	Freeman	Prather	Freeman	Lec	10cv02740	MC100
19	Gaide	Frank			10cv02753	MC100
20	Gatti	Paolo			10cv02762	MC100
21	Giuzio	Marvin	Giuzio	Nicole	10cv02754	MC100
22	Grillo	Martin			10cv02767	MC100
23	Harris	Tommy			10cv02759	MC100
24	Held	Lauren			08cv08012	MC100
25	Held	Michael	Held	Shirley	08cv05581	MC100
26	Irlin	Alexander			09cv05559	MC100
27	Johnson	Samuel	Johnson	Erika	10cv02432	MC100
28	Kovac	Stanislav	Kovac	Diane	10cv02441	MC100
29	Latona	John	Latona	Antoinette	07cv11433	MC100
30	Lee	Mark	Lee	Cheryl	10cv02745	MC100
31	Lemke	Lawrence	Lemke	Janeth	10cv02741	MC100

No.	Primary Plaintiff		Derivative Plaintiff		Civil Action Nos.	Master Docket
	Last Name	First Name	Last Name	First Name		
32	Lewis	Michael	Lewis	Barbara	10cv02764	MC100
33	Lovell	Kenneth			10cv02442	MC100
34	Menna	Christopher			10cv02757	MC100
35	Montalvo	Avelino	Montalvo	Elizabeth	10cv02443	MC100
36	Morelli	Joseph	Morelli	Ann	07cv07518	MC100
37	Mucci	Paul	Mucci	Marion	10cv02444	MC100
38	Muccino	John	Muccino	Claire	10cv02769	MC100
39	Mues	Michael	Mues	Reaba	10cv02445	MC100
40	Muir	Craig			07cv09622	MC100
41	Murphy	Gerard			10cv02743	MC100
42	Naslund	Bruce	Naslund	Geraldine	07cv11432	MC100
43	Nordt	Kenneth	Nordt	Francine	07cv08683	MC100
44	Notarianni	Agostino	Notarianni	Maria	08cv02381	MC100
45	Oliveros	Dorian	Oliveros	Anna	08cv06541	MC100
46	O'Sullivan	Brendan	O'Sullivan	Sheila	10cv02758	MC100
47	Pagan	Joseph			10cv02756	MC100
48	Perry	Joseph			10cv02742	MC100
49	Pruden	Josef			10cv02437	MC100
50	Reyes	Miguel			10cv02765	MC100
51	Rivers	Lunurl			09cv06000	MC100
52	Robinson	Timothy			10cv02763	MC100
53	Romero	Ricardo			08cv04801	MC100
54	Santapaola	Joseph	Santapaola	Theresa	10cv02438	MC100
55	Schweigert	Annmarie	Schweigert	Paul	08cv07675	MC100
56	Scott	Sarah			10cv02446	MC100
57	Showerman	Katherine	Showerman	Peter	10cv02738	MC100
58	Smith	Brian			10cv02761	MC100
59	Spagnuola	Americo	Spagnuola	Gina	10cv02439	MC100
60	Stasio	James			10cv02440	MC100
61	Stibrany	Janneth	Stibrany	Paul	08cv07857	MC100
62	Stuhlmuller	James	Stuhlmuller	Christine	10cv02752	MC100
63	Taliento	Michael			08cv06539	MC100
64	Terry-Smith	Philip			10cv02433	MC100

No.	Primary Plaintiff		Derivative Plaintiff		Civil Action Nos.	Master Docket
	Last Name	First Name	Last Name	First Name		
65	Thornton	Robert			10cv02434	MC100
66	Tinghitella	John	Tinghitella	Lois	08cv06540	MC100
67	Trzaska	Michael	Trzaska	Barbara	10cv02749	MC100
68	Tuttle	Louis	Tuttle	Georgiana	10cv02751	MC100
69	Verdic	Frank	Verdic	Elisa	09cv07303	MC100
70	Volpe	Michael	Volpe	Theresa	10cv02448	MC100
71	Went	John			10cv02750	MC100
72	Zappolo	William	Zappolo	Joann	07cv11263	MC102

Exhibit B – List of Settling Defendants

CITY OF NEW YORK, including the:	CRAIG TEST BORING
BOARD OF EDUCATION OF THE CITY OF NEW YORK	CRITICOM INTERNATIONAL CORP
BOROUGH OF MANHATTAN COMMUNITY COLLEGE	DAKOTA DEMO-TECH
CITY UNIVERSITY OF NEW YORK	DESIMONE CONSULTING ENGINEERS, PLLC
NEW YORK CITY DEPARTMENT OF EDUCATION	DCM ERECTORS, INC.
NEW YORK CITY SCHOOL CONSTRUCTION AUTHORITY	DIAMOND POINT EXCAVATION CORP
A RUSSO WRECKING	DIEGO CONSTRUCTION
ACROW	DIVERSIFIED CARTING
ALLCOM ELECTRIC	DMT ENTERPRISE
AMEC CONSTRUCTION MANAGEMENT, INC.	D'ONOFRIO GENERAL CONTRACTORS CORP.
AMEC EARTH AND ENVIRONMENTAL	EAGLE LEASING & INDUSTRIAL SUPPLY (SEASONS)
ANTHONY CORTESE SPECIALIZED HAULING LLC	EAGLE ONE ROOFING CONTRACTORS, INC.
ASG PEST CONTROL	EAGLE SCAFFOLDING CO. (SEASONS)
ATC GROUP SERV/DBA ATC ASSOCIATES	EJ DAVIES, INC.
ATLANTIC HEYDT CORP.	EN-TECH CORP.
ATLAS CONCRETE	ENTERTAINMENT PARTNERS
AVANTI DEMOLITION & CARTING CORP.	ET ENVIRONMENTAL
BECHTEL CONSTRUCTION, INC.	EVERGREEN RECYCLING OF CORONA (EROC)
BERGEN CONCRETE CUTTING	EWELL W. FINLEY, P.C.
BERKEL & CO. CONTRACTORS, INC.	EXECUTIVE MED SERVICES, PC
BIG APPLE WRECKING & CONSTRUCTION	F&G MECHANICAL CORPORATION
BÖVIS LEND LEASE LMB, INC.	FELIX EQUITIES, INC.
BREEZE CARTING	FLEET TRUCKING
BREEZE NATIONAL, INC.	FRANCIS A. LEE EXTERIOR RESTORATION
BRER FOUR TRANSPORTATION	FRANK MICELLI JR CONTRACTING
BURO HAPPOLD CONSULT ENG.	FTI TRUCKING
C & D FIREPROOFING	G & G CONTRACTING, INC.
C & D PAINTING, INC.	GILSANZ, MURRAY, & STEFICEK
C.B. CONTRACTING CORP.	GINO CRACOLICI & SONS, INC.
CANRON CONSTRUCTION CORP.	GOLDSTEIN ASSOCIATES PLLC
CANTOR SEINUK GROUP	GRACE INDUSTRIES
CERTIFIED FENCE CORP.	GUY NORDENSON AND ASSOCIATES
CIVETTA COUSINS	HALLEN WELDING SERVICE
CLARCO ENTERPRISE CORP.	HELMSMAN MANAGEMENT SERVICES, INC.
COMPONENT ASSEMBLY SYS	HGC CONTRACTING CORP.
COORDINATED METALS, INC.	HIGH RISE HOISTING AND SCAFFOLDING
CORD CONTRACTING CO., INC.	HIGH-RISE ELECTRIC, INC.

HP ENVIRONMENTAL
JP EQUIPMENT RENTAL MATERIALS, INC.
KEVIN MCMANUS
KOCH SKANSKA, INC.
LAQUILLA CONSTRUCTION, INC.
LASTRADA GENERAL CONTRACTING CORP.
LESLIE E. ROBERTSON ASSOCIATES
LIBERTY MUTUAL GROUP
LIRO
LOCKWOOD, KESSLER & BARTLETT (LKB)
LUCIUS PITKIN
LZA TECH-DIVISION OF THORTON TOMASETTI
M. G. MCLAREN, P.C.
MANAFORT BROTHERS, INC.
MAZZOCCHI WRECKING, INC.
MEDCOR, INC.
MENT BROTHERS
MERIDIAN CONSTRUCTION GROUP
MG MCLAREN P.C.
MORETRENCH AMERICAN, CORP.
MRA ENGINEERING, PC
MUESER RUTLEDGE CONSULTING ENGINEERS
MUSCO SPORTS LIGHTING, LLC
NACIREMA INDUSTRIES
NEW YORK CRANE & EQUIPMENT CORP.
NICHOLSON CONSTRUCTION CO.
NICHOLSON/HEYWOOD JOINT VENTURE
OFF ROAD WELDING, INC.
THE OFFICES OF JAMES RUDERMAN, LLP
OLYMPIC PLUMBING AND HEATING
OVE ARUP & PARTNERS
PARSON GROUP
PETER SCALAMANDRE & SONS
PINNACLE ENVIRONMENTAL
PLAZA CONSTRUCTION CORP.
PRO SAFETY SERVICES, LLC
PT & L CONTRACTING CORP.
REGIONAL SCAFFOLD & HOISTING CO, INC.
RICH MARK ENVIRONMENTAL SERVICES, INC.

ROBER SILMAN ASSOCIATES
ROBERT C STEWART
ROBERT ERRAT
ROBERT L GEROSA
RODAR ENTERPRISES, INC.
ROYAL GM, INC.
SAB TRUCKING
SAFeway ENVIRONMENTAL
SEMCOR EQUIPMENT
SEVERUD ASSOCIATES CONSULTING ENGINEERS
SHELDRAKE ORGANIZATION, INC.
SILVERADO CONTRACTORS
SILVERITE CONTRACTING
SIMPSON, GUMPERTZ, & HEGER
SKIDMORE, OWINGS & MERRILL LLP
STAR DELTA ELECTRIC
STIER, ANDERSON & MALONE
SUMMIT STRUCTURES LLC
TELENET COMMUNICATIONS
THYSSEN KRUPP ELEVATOR CO.
TOMASETTI GROUP
TORETTA TRUCKING
TOTAL SAFETY CONSULTING LLC
TUCCI EQUIPMENT RENTAL CORP
TULLY CONSTRUCTION
TURNER CONSTRUCTION COMPANY
ULTIMATE DEMOLITION/CS HAULING (JOINT VENTURE)
UNITED STATES REBAR
VANGUARD EQUIPMENT RENTALS
VERTICAL TECHNOLOGIES
VOLLMER ASSOCIATES
W HARRIS & SON INC.
WALTER WHITE TRUCKING
WEEKS MARINE, INC.
WEIDLINGER ASSOCIATES
WHITNEY CONTRACTING
WOLKOW BRAKER ROOFING
YANNUZZI & SONS, INC.
YONKERS CONTRACTING
YORK HUNTER CONSTRUCTION, LLC
ZIEGENFUSS DRILLING